

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 02-6829

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

DERRICK FAVONTA ASKEW,

Defendant - Appellant.

Appeal from the United States District Court for the Eastern District of Virginia, at Newport News. Robert G. Doumar, Senior District Judge. (CR-99-38)

Submitted: October 24, 2002

Decided: November 8, 2002

Before WIDENER, TRAXLER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Derrick Favonta Askew, Appellant Pro Se. Janet S. Reincke, OFFICE OF THE UNITED STATES ATTORNEY, Norfolk, Virginia, for Appellee.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Derrick Favonta Askew seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000). We have reviewed the record and conclude on the reasoning of the district court that Askew has not made a substantial showing of the denial of a constitutional right. See United States v. Askew, No. CR-99-38 (E.D. Va. Apr. 17, 2002). Accordingly, we deny a certificate of appealability and dismiss the appeal. See 28 U.S.C. § 2253(c) (2000). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED